



ROBERT YEZERSKI SC

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ADMISSIONS

Silk: 2023

Call: 2010

Also admitted to practice in New York State, Southern District of New York, and Eastern District of New York

PRACTICE AREAS

Commercial
Competition, consumer & regulatory
Criminal cartel
Representative proceedings (class actions)

Corporations & insolvency
Equity, trusts and property
Insurance
Administrative and public law

QUALIFICATIONS

Harvard Law School, LL.M.; Frank Knox Memorial Scholarship (2006)

University of Sydney, LL.B. (First Class Honours & University Medal) (2003)

University of Sydney, B.A. (History) (First Class Honours & University Medal) (2001)

EXPERIENCE

2010 – Present

Barrister, NSW Bar

2006 – 2010

Weil, Gotshal & Manges LLP, New York, NY

2005

Freehills, Sydney, NSW

2004 - 2005

High Court of Australia,
Associate to the Hon. Justice W.M.C. Gummow AC

AWARDS/RECOGNITION

Chambers & Partners:

- Band 1 Competition & Antitrust Law Junior Counsel, 2022 – 2023
- Dispute Resolution: The Bar, Band 3

Doyles Guide

- Commercial Litigation & Dispute Resolution Junior Counsel, Australia and NSW, 2021-2023 (Preeminent)
- Competition Law Junior Counsel, Australia, 2017 – 2023 (Preeminent)
- Insolvency & Restructuring Junior Counsel, Australia, 2019 – 2023 (Recommended)

Legal 500, Band 1 Competition & Antitrust Law Junior Counsel, 2021 - 2022

Who's Who Legal Australia and New Zealand, Competition Law, 2021-2023

REPRESENTATIVE CASES

General Commercial, Corporations, Insolvency and Insurance

- *In the matter of Xpress Fuel Australia Pty Ltd (recs and mgrs. Appt)* [2023] NSWSC 692 (leading S Gerber)
- *In the matter of Shepherd Group Services Pty Ltd* (appeared for the sixth defendant, Mr Shepherd, leading J Smith)
- *Ron Finemore Transport Services Pty Ltd (CAN 005 471 036) v ASIC* (with R Dick SC)
- *Galilee Solicitors Pty Ltd v Ethan Group Pty Ltd* [2021] NSWSC 1067 (contempt of court, leading Winnie Liu)
- *In the matter of Car Buyers Australia Pty Limited* [2020] FCA 599
- *Wang v Cai* [2020] NSWSC 1414
- *Greyhound Racing New South Wales v Leslie* [2019] NSWSC 1591 (leading Robert Pietriche)
- *Deluxe Developments Pty Ltd (In Liq) v Downer EDI Engineering Pty Ltd* [2017] NSWSC 895 (acting for Downer EDI)
- *Australian Institute of Fitness Pty Ltd v Australian Institute of Fitness (Vic/Tas) Pty Ltd (No 3)* [2015] NSWSC 1639 (with C R C Newlinds SC)
- *Jeffries v Indigenous Land Corporation* [2015] NSWSC 1616 (with C R C Newlinds SC)

Representative Proceedings/Class Actions

- *Hamilton v Meta Platform, Inc. and Anor* [2023] FCA 1148 (for the Second Respondent, Google LLC)
- *Augusta Pool; 1 UK Ltd v Williamson* [2023] NSWCA 93 (for the first and second respondent)
- *Williamson v Sydney Olympic Park Authority* [2022] NSWSC 1618 (led by M Darke SC)
- *Andrianakis v Uber Technologies; Taxi Apps Pty Ltd v Uber Technologies (Appeal)* [2022] VSC 643 (led by A Bannon SC with C Mintz)
- *Cantor v Audi Australia Pty Limited (No 5)* [2020] FCA 637 (acting as independent contradictor opposing common fund order with N J Owens SC)
- *Rodriguez & Sons Pty Ltd v Queensland Bulk Water Supply Authority trading as Seqwater (No 22)* [2019] NSWSC 1657 (acting for plaintiff and group members in claim arising out of 2011 Brisbane floods, with J Sexton SC, N J Owens SC and J E Taylor instructed by Maurice Blackburn)
- *Rivercity Motorway Finance Pty Limited (Administrators Appointed) (Receivers and Managers Appointed) v AECOM Australia Pty Ltd (No 2)* [2014] FCA 713 (with R M Smith SC and M Elliott)
- *De Brett Seafood Pty Ltd v Qantas Airways Ltd, Federal Court of Australia, VID 12 of 2007* (acting for Air New Zealand, with R M Smith SC and N J Owens) (proceedings discontinued against Air New Zealand with costs)

Competition, Cartel, Consumer & Regulatory

- *ACCC v Delta Building Automation Pty Ltd* [2023] FCA 880 (leading Megan Caristo for the ACCC)
- *ACCC v Meta Platforms, Inc. & Ors* [2023] FCA 842 (acting for the respondents, leading Grace Keesing)
- *Applications by Telstra Corporation Limited and TPG Telecom Limited (No 2)* [2023] ACompT 2 (led by G Rich SC and with S Chordia for TPG Telecom Limited)
- *ACCC v Telstra Corporation Limited* [2022] FCA 1398 (led by R Higgins SC for Telstra Corporation Limited)
- *Commonwealth Director of Public Prosecutions v Joyce* [2022] FCA 1423 (led by G Wright SC with C Tran)
- *ACCC v First Class Slate Roofing Pty Limited* [2022] FCA 1093 (for the first and second respondent)
- *Commonwealth Director of Public Prosecutions v Alkaloids of Australia Pty Ltd* [2022] FCA 1424 (led by Georgina Wright SC and Chris Tran)
- *ACCC v Google LLC (No 4)* [2022] FCA 942
- *ACCC v NSW Ports Operations Hold Co Pty Ltd* [2023] FCAFC 16 (led by Michael Borsky SC and with Andrew Barraclough and Julia Watson for the ACCC)
- *ACCC v Google LLC* [2021] FCA 367 (acting for Google with P J Brereton SC and S H Hartford-Davis)
- *ANZ Criminal Cartel Prosecution* (acted for S Roberts, against whom all charges were dropped)
- *Vodafone Hutchison Australia Pty Ltd v ACCC* [2020] FCA 117 (acting for Vodafone, with P J Brereton SC, J Arnott and K Stellios)
- *APRA v Kelaher & Ors* [2019] FCA 1521 (acting for first respondent, with C R C Newlinds SC)
- *Qube Ports Pty Ltd v Port of Newcastle Operations Pty Limited, Federal Court of Australia, NSD 1905 of 2019* (acting for Qube, with A Bannon SC and M Hodge KC)
- *ACCC v Yazaki Corp* [2018] FCAFC 73 (acting for the ACCC with M O'Brien SC and D Tynan); also at first instance ([2017] FCA 465) and in successfully resisting special leave application.
- *Application by Tabcorp Holdings Ltd* [2017] ACompT 1 (acting for Tabcorp with CA Moore SC, N De Young and A D'Arville)
- *ACCC v Air New Zealand Limited* [2017] HCA 21 (with B W Walker SC and N J Owens SC); also at first instance ([2014] FCA 1157) and on appeal to the Full Court ([2016] FCAFC 42)
- *ACCC v Woolworths Limited* [2016] FCA 1472 ('Mind the Gap' case) (acting for Woolworths with C A Moore SC)
- *ACCC v Cascade Coal* [2018] FCA 1019 and on appeal [2019] FCAFC 154 (acting for the ACCC, with C A Moore SC and M O'Mearra)
- *ACCC v Virgin Australia Airlines* [2017] FCA 204 (with N J Young QC)

- *ACCC v Informed Sources, Federal Court of Australia*, VID 450 of 2014 (acting for Woolworths Limited, with C A Moore SC) (matter settled)
- *Parmalat v VIP Packaging* (2013) 210 FCR 1 (with G A Thompson SC and D P O'Brien)
- *ACCC v Metcash* (2011) 282 ALR 464 (first instance) and (2011) 198 FCR 297 (Full Court) (with J E Griffith SC and C A Moore SC)
- *Acting for the ACCC in various competition investigations, including by conducting s 155 examinations for the ACCC*

Property And Equity

- *Deligiannidou v Sundarjee* [2020] NSWSC 437
- *Bradcorp Wilton Park Pty Limited v Country Garden Wilton West Pty Ltd* [2019] NSWSC 1407 (with M Darke SC)
- *Campbell v Campbell* [2015] NSWSC 784 (with D Pritchard SC)
- *Sze Tu v Lowe* [2014] NSWCA 462 (with T G R Parker SC)
- *The Owners – Strata Plan No 67246 v Oaks Hotels & Resorts (NSW) No 1 Pty Ltd* [2013] NSWSC 1866 (with J Kirk SC)
- *Rix v Wells* [2013] NSWSC 672 (with A P Coleman SC)

High Court

- *ACCC v Air New Zealand Limited* [2017] HCA 21 (with B W Walker SC and N J Owens SC)
- *Attwells v Jackson Lalic Lawyers* [2016] HCA 16 (with G O'L Reynolds SC, R C A Higgins and D W Robertson)
- *Fischer v Nemeske* [2016] HCA 11 (with N C Hutley SC and A B Edington)
- *OC v The Queen* [2016] HCATrans 26 (with J T Gleeson SC)
- *Miller v Miller* (2011) 242 CLR 446 (with G M Watson SC and N J Owens)

Administrative and Public Law

- *Hewit v NSW State Coroner* [2019] NSWSC 1401 (for Attorney General (NSW))
- *Li v Attorney-General (NSW)* [2019] NSWCA 95 (for Attorney General (NSW))
- *Baker v Commonwealth of Australia* (2012) 206 FCR 229 (with B W Walker SC and A W Street SC)

PUBLICATIONS

R A Yezerski, “Renvoi Rejected? The meaning of the *lex loci delicti* after *Zhang*” (2004) 26 *Sydney Law Review* 273

J T Gleeson & R A Yezerski, “The Separation of Powers and the Unity of the Common Law” in J T Gleeson, J A Watson and R C A Higgins, *Historical Foundations of Australian Law*, Vol I (Federation Press, 2013)